

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

(1) DALTHA RAY TERRELL,

Defendant

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No. 1:24-CR-00118-RP

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ORDER

Before the Court is Defendant Daltha Ray Terrell's Motion to Amend Detention Order, Dkt. 24. The District Judge referred the motion to the undersigned for resolution. Dkt. 25. Terrell's motion, filed July 2, 2024, seeks a temporary modification of his order of detention to permit him to attend the July 6, 2024, funeral of his mother, who passed on June 25, 2024. Dkt. 24, at 1-2. The funeral will take place in Texas City, Texas. *Id.* at 2. The Government and the U.S. Marshals Service oppose the motion. *Id.* at 2-3.

Terrell faces a four-count indictment charging with three counts of Distribution and Possession with Intent to Distribute Controlled Substances (one of those counts including "Resulting in Death" enhancement) and one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime. Dkt. 16. He is currently scheduled for a Pretrial Motions and Docket Call on August 16, 2024, and for Jury Selection/Trial August 26, 2024, before the United States District Judge Robert Pitman. Dkt. 22.

Following a contested detention hearing, the Court ordered that Terrell be detained pending his final trial and/or sentencing. Dkt. 15. The Court granted the Government's motion to detain after concluding that "no condition or combination of conditions will reasonably assure the safety of any other person and the community." *Id.* at 2. Among the reasons cited for this conclusion were the nature of the crime charged (namely, dealing fentanyl resulting in a death); the substantial weight of the evidence supporting the charge; his criminal history, including multiple drug- and firearm-related convictions; and his possession of multiple firearms in his residence at the time of his arrest on this offense (including a Glock pistol with an extended magazine and illegally modified to fire automatically). *Id.* at 1-2.

The Court is sympathetic to Terrell's and his family's loss. However, in light of the circumstances cited above, and a looming trial date, at which he will face a substantial term of imprisonment, the Court will not authorize the requested release. Short of a two-deputy team of Deputy United States Marshals to guard Terrell over the requested period of release, a solution that is impracticable here, especially given the timing of his request, there are no conditions that can be set that provide for the safety of the community and the Terrell's future appearance in Court. For all of these reasons, the Court **DENIES** Terrell's Motion to Amend Detention Order, Dkt. 24.

SIGNED July 3, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE